

### **REMARKS**

Claims 1-19 are now pending in the application. Claims 1-19 stand rejected. Claims 9, 16 and 17 have been amended. Bases for the amendments can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **CLAIM AMENDMENTS**

Minor amendments have been made to Claims 9 and 16 to correct various informalities. Claim 17 has been amended to specify that the tensioning of the base enables the size, shape or both the size and the shape of the base to be adjusted.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 2, 4-5 and 7-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crawley (U.S. Pat. No. 5,085,001; hereinafter "Crawley") in view of Hinsperger (U.S. Pat. No. 5,070,643; hereinafter "Hinsperger"). This rejection is respectfully traversed.

Applicant initially notes that Crawley appears to disclose a mulch skirt with a plastic sheet body (11) and a rigid retaining (spring) ring (12A) that is received into a hem (21) that is formed in the sheet body (11). The body (11) is held flat against the ground by the rigid retaining ring (12A). Anchor pins (27) may be employed to secure the hem (21) to the ground if needed. As noted by the Examiner, Crawley does not teach or suggest whatsoever the use of a plurality of tensioners that can adjust a size, a

shape or both a size and a shape of a perimeter of a base. With regard to Hinsperger, Applicant notes that Hinsperger appears to be directed to a device and method for grass restoration and seed germination. Hinsperger employs a removable cover (2) that can be selectively coupled to the ground via a plurality of U-shaped wire stakes (8). Hinsperger notes that in areas of high wind, plastic loop members (10) may be coupled to the cover (2) and that ropes (12) may be received through holes in the plastic loop members (10) and secured at opposite ends to the stakes (8). In contrast, Applicant notes that independent Claim 1 recites:

a plurality of tensioners, each tensioner having a first portion that is fixedly coupled to the non-rigid base and a second portion that may be selectively coupled to the first portion to adjust a distance between an associated pair of the hold-downs to thereby adjust a size, a shape or both the size and the shape of a perimeter of the non-rigid base. (Emphasis added).

Applicant respectfully asserts that these features as claimed are not taught or suggested by Crawley or Hinsperger, either alone or in combination.

Applicant notes that the ropes (12) of Hinsperger do not tension or adjust the size and/or shape of the perimeter of the panels (4) that make up the cover (2), but rather simply lie across the panels (4) in a manner that limits the movement of the cover (2). Applicant notes that the rope (12) may be able to apply a compressive force to the surface of the panels, but it does not appear to be possible to apply tension through the rope. Further, Hinsperger does not teach or suggest whatsoever the ropes being able to adjust a size or a shape of a perimeter of the cover (2). Rather, Hinsperger discloses the use of the ropes (12) to secure the cover (2) to the ground in areas of high wind.

Accordingly, in view of the above discussion, Applicant submits that the Examiner has not presented a prima facie case of obviousness and as such, respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 1 under 35 U.S.C. §103(a).

With regard to Claims 2, 4-5 and 7-15, Applicant notes that Claims 2, 4-5 and 7-15 depend directly from Claim 1 and thus should be in condition for allowance for the reasons set forth for Claim 1, above. Additionally, Applicant notes that Claim 9 includes independently allowable subject matter as neither Crawley nor Hinsperger teach or suggest a tensioner with a first portion including a loop and the second portion including a strap, where the strap has a first end which is secured to the base, and a second end that is disposed through the loop. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claims 2, 4-5 and 7-15 under 35 U.S.C. §103(a).

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Crawley as modified by Hinsperger as applied to Claims 1-2 above, and further in view of Hansen (U.S. Pat. No. 6,128,852; hereinafter "Hansen"). This rejection is respectfully traversed.

Applicant respectfully refers the Examiner to the arguments set forth above with regard to Claims 1, 2, 4-5 and 7-15 regarding Crawley and Hinsperger. With regard to Hansen, Applicant notes that Hansen discloses a landscaping tarp that may be positioned about a bush or tree to permit cut leaves and twigs to fall and collect thereon as the bush or tree is trimmed. Hansen does not disclose whatsoever the use of

tensioners as claimed in Applicant's Claim 1. Thus, Applicant notes that the combination of Hansen, Hinsperger and Crawley does not teach or suggest a protective ground mat with tensioners having a first portion that is fixedly coupled to the non-rigid base and a second portion that may be selectively coupled to the first portion to adjust a distance between an associated pair of hold-downs to thereby adjust a size, a shape or both the size and shape of a perimeter of the non-rigid base as recited in Claim 1.

Accordingly, Applicant submits that the Examiner has not presented a prima facie case of obviousness and as such, respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 3, which is indirectly dependent from Claim 1, under 35 U.S.C. §103(a).

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Crawley as modified by Hinsperger as applied to Claims 1-2 and 4-5 above, and further in view of McMurtney (U.S. Pat. No. 5,058,317; hereinafter "McMurtney"). This rejection is respectfully traversed.

Applicant refers the Examiner to the above sections for a discussion of Hansen, Hinsperger and Crawley. Applicant next notes that McMurtney is directed to a mulch skirt that is intended to be placed about a tree or bush for an extended period of time and as such, Applicant submits that there is no motivation in the art for its combination with Hansen. Further, Applicant notes that McMurtney does not teach or suggest a slit that terminates a series of perforations or perforations that define a plurality of intersecting lines as claimed. Rather, McMurtney discloses a slit (22 in Fig. 2, 52 in Fig. 4 and 66 in Fig. 5) that intersects a second slit (36 in Fig. 2, 54 in Fig. 4 and 66 in Fig.

5). Additionally, Applicant notes that the combination of Hansen, Hinsperger, Crawley and McMurtrey does not teach or suggest a protective ground mat with tensioners having a first portion that is fixedly coupled to the non-rigid base and a second portion that may be selectively coupled to the first portion to adjust a distance between an associated pair of hold-downs to thereby adjust a size, a shape or both the size and shape of a perimeter of the non-rigid base as recited in Claim 1.

Accordingly, Applicant submits that the Examiner has not presented a prima facie case of obviousness and as such, respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 6, which is indirectly dependent from Claim 1, under 35 U.S.C. §103(a).

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Crawley in view of Hinsperger and Hansen. This rejection is respectfully traversed.

Initially, Applicant respectfully refers the Examiner to the arguments set forth above regarding Crawley, Hinsperger and Hansen. Next, Applicant notes that independent Claim 16 recites:

a plurality of hold-downs coupled to the base; and

a plurality of tensioners, each tensioner having a first portion that is fixedly coupled to the non-rigid base and a second portion that may be selectively coupled to the first portion to adjust a distance between an associated pair of the hold-downs to thereby selectively constrict the non-rigid base,...(emphasis added).

Applicant respectfully asserts that these features as claimed are not taught or suggested by Crawley, Hinsperger or Hansen, either alone or in combination.

Specifically, as discussed above, neither Crawley, Hinsperger or Hansen teach or suggest a plurality of tensioners that can adjust a distance between an associated pair of hold-downs to thereby selectively constrict the non-rigid base. As noted by the Examiner, Crawley and Hansen do not teach the use of tensioners. Applicant notes that Hinsperger does not remedy the shortcomings of Crawley and Hansen as Hinsperger teaches the use of a rope (12) that simply lies across the panels (4) in a manner that limits the movement of the cover (2), to hold down the cover (2) in areas of high wind. As discussed above, the rope (12) may be able to apply a compressive force to the surface of the panels, but it does not appear to be possible to apply tension through the rope. Further, Hinsperger does not teach or suggest whatsoever the ropes (12) being able to adjust a distance between an associated pair of hold-downs. Rather, Hinsperger discloses tying the ropes (12) to the hold-downs to enable the ropes (12) to secure the cover (2) to the ground in areas of high wind.

Accordingly, in view of the above discussion, Applicant submits that the Examiner has not presented a prima facie case of obviousness and as such, respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 16 under 35 U.S.C. §103(a).

Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hansen in view of Hinsperger. This rejection is respectfully traversed.

Initially, Applicant respectfully refers the Examiner to the arguments set forth above regarding Hansen and Hinsperger. Next, Applicant notes that independent Claim 17 recites:

tensioning the base after it has been secured to the ground to adjust a size, a shape or both the size and the shape of a perimeter of the base so that it conforms to a contour of the ground. (Emphasis added).

Applicant respectfully asserts that these features as claimed are not taught or suggested by Hansen or Hinsperger, either alone or in combination.

In particular, as discussed above, neither Hansen nor Hinsperger teach or suggest tensioning a base after it has been secured to the ground to adjust a size, a shape or both the size and the shape of the base. Hansen does not teach this feature whatsoever. With regard to Hinsperger, as discussed, Hinsperger at best teaches ropes (12) that may apply a compressive load to the cover (2) to secure the cover (2) in areas of high wind. The ropes (12) of Hinsperger are not capable of adjusting a size, a shape or both the size and shape of the base after they are secured in the ground as the ropes (12) of Hinsperger are not capable of tensioning the cover (2).

Accordingly, in view of the above discussion, Applicant submits that the Examiner has not presented a prima facie case of obviousness and as such, respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 17 under 35 U.S.C. §103(a).


With regard to Claims 18 and 19, Applicant notes these claims depend directly or indirectly from Claim 17, and thus should be in condition for allowance for the reasons set forth for Claim 17, above. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections to Claims 18 and 19 under 35 U.S.C. §103(a).

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 6/05/06

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